IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.MC.No. 3466 of 2007()

[CRIME NO.730/07 OF KOLLAM EAST POLICE STATION]

PETITIONER: ACCUSED

SANTHOSH,S/O. JAYAPRASAD,
SANTHOSH BHAVAN, NEAR KUNNATHKAVU THEKKEVILA,
ERAVIPURAM, KOLLAM DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION THROUGH
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3466 of 2007

Dated this the 23rd day of November 2007

O R D E R

After discussions at the Bar, to a pointed query by this court, the learned counsel for the petitioner submits that the petitioner shall and may be permitted to claim discharge under Section 239 Cr.P.C before the learned Magistrate.

2. This petition is accordingly dismissed but with the observation that the petitioner shall be at liberty to claim discharge under Section 239 Cr.P.C before the learned Magistrate. When the plea for discharge is raised, the learned Magistrate must consider the same on merits, in accordance with law and expeditiously. Unnecessary insistence on personal appearance of the petitioner shall not be made till the plea of discharge is considered and decision taken in the matter.

3. This petition is accordingly dismissed.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007